

**Before
the
FEDERAL COMMUNICATIONS
COMMISSION Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate Unlawful Robocalls)	CG Docket No. 17-59
)	

COMMENTS OF CAPIO PARTNERS, LLC

Capio Partners, LLC (“Capio”) submits these comments in response to the *Third Further Notice of Proposed Rulemaking* (“FNPRM”) released on June 7, 2019 in the above-referenced matter. The purpose of Capio’s comments is to provide feedback and comments from an industry stakeholder in response to the issues and questions raised in the *Proposed Rulemaking*.

I. Background

Capio, a healthcare receivables management company, has been supporting healthcare providers since 2008. Since its inception, Capio has grown to be one of the nation’s premier receivables management companies servicing medical accounts. Part of Capio’s suite of services includes engaging consumers telephonically to assist patients in resolving past-due accounts owing to medical providers. Capio believes it is of utmost importance that the Commission works toward solutions to thwart unlawful robocalls but does so in a way that does not inadvertently allow the blocking of legitimate calls to assist patients in receiving important information regarding their accounts.

Capio also believes the FNPRM is an important step to formalize a platform whereby legitimate call originators will be notified of improperly blocked calls, as well as implement

protocols for resolution of carriers who improperly block legitimate calls. Accordingly, Capio has legitimate interests in the Commission's FNPRM and submits these comments in support of the Commission moving forward and clarifying rules both to protect consumers from receiving unsigned calls and to allow for legitimate stakeholders to properly connect with their consumers.

II. Comments on the FNPRM

a. Calls should be identified as “signed” or “unsigned” in the Shaken/Stir environment

In the context of Shaken/Stir, calls are identified as “unsigned” or “signed.” Alternatively, calls are also labeled as having a full, partial, or gateway level of attestation. Although the FNPRM also employs descriptions regarding calls as “illegal” vs. “legal” or “wanted” vs. “unwanted.” Such identification does not further promote the precision necessary to facilitate the goals and overarching policy concerns of the FNPRM.

For example, calls originating from some conventional TDMA telephone networks may be “wanted” however not “signed.” Such calls passing over a VoIP network may be presented as “unsigned” and therefore blocked at the carrier level, regardless of whether the call was legitimately originated and “wanted” by the consumer. Under the FNPRM, such calls may be frequently blocked for VoIP subscribers receiving calls from other subscribers in rural areas.

In the context of Shaken/Stir, the issues should be framed and processed as to whether a consumer desires blocking calls that are “unsigned” or what level of gateway attestation is sufficient for the consumer to make a decision as to whether the call should be blocked. From a carrier perspective, there is a validation process for terminating “unsigned” calls, and for calls that are validated, there should be a consistent, effective process for determining what level of attestation is appropriate.

b. Safe harbor should apply to block calls that fail SHAKEN/STIR

Safe harbor is an important and necessary element to the FNPRM. However, for safe harbor to properly work and achieve its intended purposes, it should be used to block calls that fail SHAKEN/STIR but not calls that don't. Further, safe harbor protocols should only be utilized after all carriers have fully implemented SHAKEN/STIR. Otherwise, legitimate initiators may initially be improperly labeled illegitimate, and call-blocking programs targeting such legitimate calls should not be deserving of safe harbor.

c. Safe harbor should be well defined

Any safe harbor also should be narrowly tailored for well-defined categories of calls that fail SHAKEN/STIR. If a voice service provider is participating in the SHAKEN/STIR framework but fails to sign calls within such categories, blocking such calls should not fall within the safe harbor. Additionally, it is unlikely there are any legitimate reasons a subset of such categories should be unsigned from a participating voice service provider. Finally, if large voice service providers with the technical capacity to timely implement the SHAKEN/STIR framework fail to do so, blocking unsigned calls from such voice service providers, after a reasonable transition period, should not fall within the safe harbor.

d. White lists should be appropriately monitored and updated regularly

While many have urged the Commission to require voice service providers to support a white list, others have requested the Commission to exercise caution, that such a process would create a risk that illegal callers might obtain those numbers and spoof them in order to reach consumers. However, utilizing a white list does present legitimate callers an additional mechanism to avoid call blocking. While calls from schools, doctors, alarm

companies, and other valuable calls will invariably be white-listed, the Commission should take appropriate measures to ensure such lists do not become *de facto* “black lists.” Accordingly, such lists should be closely monitored and updated regularly in order to capture the most important numbers to avoid blocking.

e. Carriers should be required to provide a robust environment for legitimate callers to challenge and resolve wrongfully blocked calls

The Commission should require carriers to implement an efficacious, robust platform allowing for prompt notification to callers regarding blocked calls. Such a platform should also promptly notify subscribers of blocked calls, as many subscribers utilize their cellular telephones for business use in addition to receiving those personal notifications as described in II(d) above. Without doing so, many subscribers that are small business owners will be negatively impacted.

Finally, this challenge-and-resolve platform should be provided on a cost-free basis. Both subscribers and legitimate callers alike have a compelling interest in understanding when calls are blocked, determining for themselves whether the block was legitimate (as opposed to a decision made by the carriers’ automated platforms), and challenge blocked calls that should not have been. Such a process will allow for a reduction in false positives and create an environment suitable both to achieve the Commission’s overarching purposes and to allow for legitimate and desirable calls to be consummated without persistent, ongoing interruption.